

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE**

CAPWEALTH ADVISORS, LLC,

Plaintiff,

v.

TWIN CITY FIRE INSURANCE
COMPANY,

Defendant.

Case No.:

Removed from Chancery Court
of Davidson County
Case No. 20-1247-111

NOTICE OF REMOVAL

Defendant Twin City Fire Insurance Company (“Twin City”) gives notice of the removal of this case from the Chancery Court of Davidson County to the United States District Court for the Middle District of Tennessee pursuant to 28 U.S.C. § 1446(a). The grounds for removal are as follows:

1. Plaintiff CapWealth Advisors, LLC (“CapWealth”) filed a Complaint against Twin City on December 16, 2020 in a case captioned, *CapWealth Advisors, LLC v. Twin City Fire Insurance Company*, Case No. 20-1247-111 (Tenn. Chancery Ct. (Davidson Cty.)).

2. CapWealth served the Complaint on the Tennessee Department of Commerce and Insurance on December 17, 2020. Twin City received notice of service on January 8, 2021. Therefore, this Notice of Removal is timely filed.

3. CapWealth is a limited liability company organized and existing under the laws of the State of Tennessee. *See* Compl. ¶ 9. Upon information and belief, the members of CapWealth’s ultimate parent entity are all citizens of Tennessee, and in any event are not citizens

of Indiana or Connecticut. Twin City is an Indiana corporation with a principal place of business in Connecticut.

4. The Court has jurisdiction over this action pursuant to 28 U.S.C. § 1332(a)(1). Diversity jurisdiction exists because there is complete diversity of citizenship between CapWealth and Twin City, and the amount in controversy exceeds the sum of \$75,000, exclusive of interest and costs, as CapWealth has demanded that Twin City pay more than that amount. *See* Compl., p. 14 (seeking “an amount in excess of \$1,000,000”).

5. Any civil action brought in a State court of which the district courts of the United States have original jurisdiction may be removed by the defendant to the district court of the United States for the district and division embracing the place where such action is pending. 28 U.S.C. § 1441(a).

6. True copies of all pleadings filed to date are attached as **Exhibit A**.

7. Twin City is filing a copy of this Notice of Removal in the Chancery Court of Davidson County, Tennessee and is sending a copy of the Notice of Removal to all adverse parties under 28 U.S.C. § 1446(d).

WHEREFORE, Twin City respectfully requests that Case No. 20-1247-111 be removed to this Honorable Court.

Respectfully submitted,

DATED: January 15, 2021

LEWIS THOMASON

/s/ Kaya G. Porter

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Counsel for Twin City Fire Insurance Company

CERTIFICATE OF SERVICE

I hereby certify that on this the 15th day of January, 2021, a copy of the foregoing Notice of Removal was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. mail. Parties may access this filing through the Court's electronic filing system.

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/s/ Kaya Grace Porter
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